

Bruce A. Markell

Honorable Bruce A. Markell
United States Bankruptcy Judge



Entered on Docket
February 13, 2013

TIFFANY & BOSCO, P.A

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U.S. Bank National Association, as Trustee for SG Mortgage Securities Asset Backed Certificates,
Series 2006-FRE2

and

WELLS FARGO BANK, N.A.

TB# 09-76201

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:

11-17331-bam

Denise Fuleihan

Date: February 4, 2013

Time: 2:30 pm

Chapter : 7

Debtor.

ORDER RE: MOTION FOR SUMMARY JUDGMENT

THE COURT having considered the Secured Creditor's Motion for Summary Judgment, having reviewed the briefs and documents before it, and after hearing oral arguments thereon:

HEREBY FINDS AND ORDERS AS FOLLOWS:

- 1 1. The Motion for Summary Judgment is granted because there does not exist any issues of material
- 2 fact necessitating a trial.
- 3 2. The Debtor is barred from raising any objections to the Proof of Claim.
- 4 3. The Debtor is further barred from raising any claims already adjudicated in the Federal District
- 5 Court, Case No. 2:09-cv-01877-RCJ-PAL, as well as any claims that could have been raised
- 6 pursuant to the doctrines of Res Judicata and Claim Preclusion.
- 7 4. The automatic stay terminated by operation of law when the Debtor received her Chapter 7
- 8 discharge.
- 9 5. The Court grants relief from the automatic stay as to the Chapter 7 trustee and the estate.
- 10 6. Pursuant to Federal Rule of Bankruptcy Procedure 7052 the remaining findings of fact and
- 11 conclusions of law as issued orally by this Court at the hearing are incorporated into this Order.
- 12 7. The trial currently set for February 11th and 13th, 2013 is hereby vacated.
- 13

14 Submitted by:

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TIFFANY & BOSCO, P.A.

16 /s/ Gregory L. Wilde

17 Gregory L. Wilde, Esq.

18 Attorney For Secured Creditor

19 ☒ APPROVED ☐ DENIED

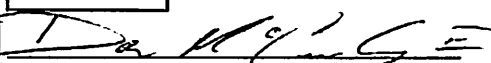
20 /s/ Matthew L. Johnson, Esq.

21 Matthew L. Johnson, Esq.

22 Attorney for Debtor

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24 ☒ APPROVED ☐ DENIED

25 
Daniel J. McCauley, III, Esq.

26 Pro Hac Vice Attorney for Debtor

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
3 reflects the court's ruling and that (check one):

4 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

5 ☐ No party appeared at the hearing or filed an objection to the motion.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
7 any trustee appointed in this case any unrepresented parties who appeared at the hearing,
8 and each has approved or disapproved the order, or failed to respond, as indicated below.

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
18 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
19 order.

20 I declare under penalty and perjury that the foregoing is true and correct.

21 Submitted by:

22 /s/ Gregory L. Wilde, Esq.

23 Gregory L. Wilde, Esq.

24 Attorney for Secured Creditor

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